

SERVICE DELIVERY PLAN

April 1, 2008 – March 31, 2011



PUBLIC GUARDIAN
AND TRUSTEE OF
BRITISH COLUMBIA

Library and Archives Canada Cataloguing in Publication Data

Public Guardian and Trustee of British Columbia.

Service delivery plan. – April 1, 2008/March 31, 2011

Annual.

Continues: Public Guardian and Trustee of British Columbia.

Corporate performance plan.

ISSN 1718-3316 = Service delivery plan (Public Guardian and Trustee of British Columbia)

1. Public Guardian and Trustee of British Columbia – Periodicals. I. Title.

KEB299.3.P82
KF1347.P82

344.711'0412

C2006-960011-2

Accountability Statement

To: The Honourable Wally Oppal
Attorney General

Pursuant to s. 22 (1) of the *Public Guardian and Trustee Act*, I have the honour of delivering the Service Delivery Plan for the Public Guardian and Trustee of British Columbia. The plan was originally submitted on December 29, 2007 and has been revised to include budget impacts since that date.

This plan covers the period April 1, 2008 to March 31, 2011. The plan was prepared under my direction and all material fiscal assumptions and policy decisions as of DATE have been considered while preparing it. I am accountable for the basis on which the plan has been prepared. While minor editorial changes have been made to this plan as of this date, it has not been updated.

Public Guardian and Trustee of BC

Date

To: Jay Chalke, Q.C.
Public Guardian and Trustee

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, I approve the Service Delivery Plan for the Public Guardian and Trustee of British Columbia.

Attorney General

Date

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, the attached Service Delivery Plan for the Public Guardian and Trustee of British Columbia has been approved by the Treasury Board.

Chair of Treasury Board

Date

Message from the Public Guardian and Trustee

I am pleased to present the Service Delivery Plan of the Public Guardian and Trustee (PGT) for April 1, 2008 through March 31, 2011. This period marks a very significant stage in the evolution of British Columbia's regime of protection for adults requiring assistance with decision making, for protecting the legal and financial interests of children, and the administration of the estates of deceased British Columbians.

This plan also describes a period of major change for PGT clients and the organization itself in which its responsibilities for incapable adults are significantly expanding, its role as co-guardian for children in care is coming increasingly to the fore and its administration of deceased estates is generating additional revenue. The PGT historic role as primarily a fiduciary with financial responsibilities is now more evenly balanced with its personal health care roles and its activities of a legal nature on behalf of clients.

The fifteen year cycle of adult guardianship law reform is nearing completion with proclamation of two new statutes anticipated for October 2008. I commend the Legislature for its action in creating a modern statutory regime and look forward to its implementation.

When proclaimed, the amended *Adult Guardianship Act (Bill 29)* will replace the outdated *Patients Property Act* and will provide for protection of adults requiring assistance within a context that allows their maximum independence and self sufficiency. The act will also provide for a new emphasis on personal planning options for individuals and their estates. The amended *Health Care (Consent) and Care Facility(Admission) Act (Bill 26)* will provide legal mechanisms for persons at risk to be admitted to secure residential facilities and an oversight framework to protect their rights.

PGT activity on behalf of children in provincial care will continue to grow as notification processes associated with critical incidents and other significant events affecting children are improved. In a broad range of areas including as a member of the Children's Forum and in cooperation with other child serving organizations, the PGT will continue to contribute to creating a supportive framework for children in care by acting to protect their legal and financial interests.

Meeting the challenge of this service delivery plan will require developing effective responses to challenges associated with maintaining and improving our current minimum service levels while implementing new business lines. These challenges are amplified by infrastructure considerations including constraints of the PGT financial model and cost pressures and I will be moving forward with the next phase of our financial restructuring proposal.

The period covered by this plan will move us closer to achieving Great Goal Number Three which is to build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors. I look forward to continuing our close cooperation with clients, families, service providers and other public bodies in carrying this out.

Jay Chalke, Q.C.
Public Guardian and Trustee
December 14, 2007

December 18, 2007 (revised – originally submitted December 14, 2007 and resubmitted December 18, 2007)

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I. OVERVIEW OF THE CORPORATION

A. What is the Public Guardian and Trustee

The Public Guardian and Trustee (PGT) serves the most vulnerable British Columbians by providing and/or monitoring substitute financial, legal and personal decision-making on their behalf. The majority of its clients are children (including those in continuing care of the Province), seniors, and adults who have developmentally disabilities, brain injuries or who are mentally ill and whose mental or legal incapacity makes them vulnerable to abuse, neglect and self-neglect. It also administers estates of deceased persons and provides personal trust services. PGT responsibilities span the legal, financial, health and social services sectors.

B. Governance

The organization is a corporation sole established under the *Public Guardian and Trustee Act*. Authority is vested in the Public Guardian and Trustee who is appointed by the Lieutenant Governor in Council for a six-year term to ensure independence. The current office-holder is Jay Chalke who was reappointed February 28, 2006. The PGT delegates authority to staff.

The PGT is independent of government in its case-related decision-making responsibilities as fiduciary and exercises quasi-judicial authority in certain situations as a result of obligations created by statute. The PGT reports to the Legislative Assembly through the Attorney General.

An Investment Advisory Committee of independent senior financial advisors is established by statute to monitor PGT investment performance and advises on strategic investment policy. An Executive Committee comprised of five directors, the Deputy Public Guardian and Trustee and the Public Guardian and Trustee manages the organization.

With headquarters in Vancouver and offices in Victoria and Kelowna, in 2006/07 the PGT provided services through 224 funded employee positions to approximately 26,200 clients, and managed more than \$711 million of trust assets.

The PGT is organized into three broad operational program areas: Child and Youth Services, Services to Adults, and Estate and Personal Trust Services. These programs are in turn supported by Client Finance and Administrative Services, Legal Services and Policy, Planning and Public Education. The Executive Office provides overall direction and coordination.

Under the *Public Guardian and Trustee Act*, The PGT is subject to the most stringent public performance accountability provisions in the province. In addition to statutory requirements for annual independent financial audits of both its trust funds and its operating funds, the PGT is required to have an independent annual audit of its performance report. The PGT is the only public sector body in BC with this requirement. These accountability provisions reflect the inability of most PGT clients to effectively monitor PGT service quality or find alternate service providers and transparency is a surrogate for consumer choice.

C. Legislation

PGT powers and duties derive from and are directed by both common law and numerous acts including the following key statutes:

- *Adult Guardianship Act*
- *Child, Family and Community Service Act*
- *Community Care and Assisted Living Act*
- *Employment Standards Act*
- *Estate Administration Act*
- *Estates of Missing Persons Act*
- *Family Relations Act*
- *Health Care (Consent) and Care Facility (Admission) Act*
- *Infants Act*
- *Insurance Act*
- *Insurance (Vehicle) Act*
- *Patients Property Act*
(scheduled to be replaced October 2008 when new legislation is proclaimed)
- *Power of Attorney Act*
- *Public Guardian and Trustee Act*
- *Representation Agreement Act*
- *Trust and Settlement Variation Act*
- *Trustee Act*
- *Wills Variation Act*

D. Funding Structure

The PGT funding structure established under part 3 the *PGT Act* establishes a special account in the operating fund of the Consolidated Revenue Fund. Revenue for the special account is derived from a combination of fees and commissions based on client assets and income and supplementary voted funding from the Government of British Columbia for services where fee charging is impractical, inappropriate or insufficient. A substantial proportion of the funding is from fees for services. PGT expenditures and operating costs are paid from the special account.

In 2005/06, PGT public services accounted for 31% of total costs while generating only 10% of self-generated revenue and cross-subsidization across service lines contributed to costs of providing public services. The PGT has long held, as endorsed during Core Services Review, that such cross-subsidization, while legal is not the optimal model and has been developing a financial model in which services would be allocated on a rational and principled basis.

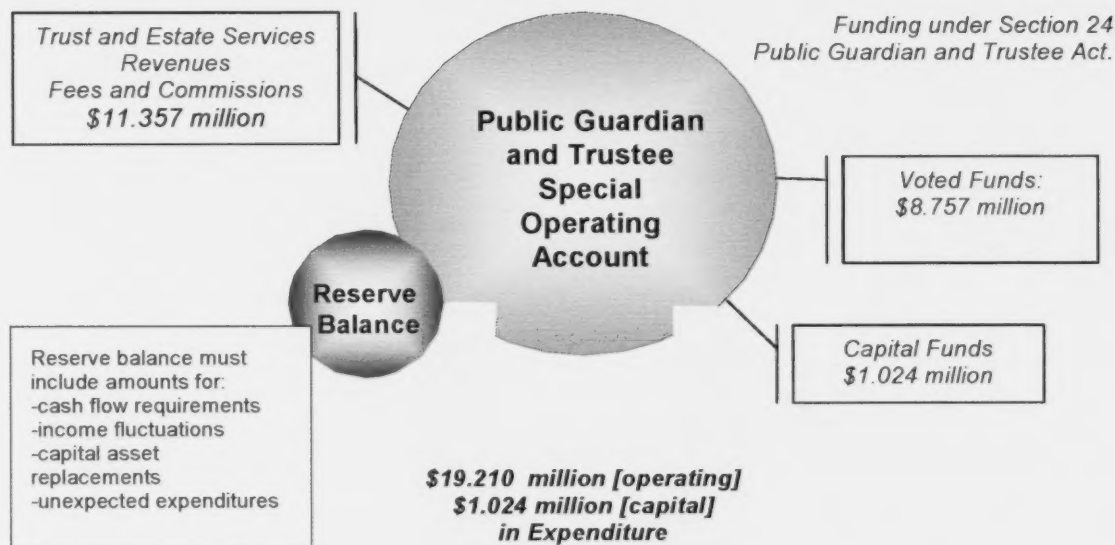
In the revised model, each specific PGT business line operated on one of three bases, including fully cost recovered, fully public funded and a blend of shared cost recovery and public funding. Cross-subsidization across business lines would be ended under this model.

The existing PGT financial model is unable to fully reflect these values because of resource implications. Estate and Personal Trust Services achieved full cost-recovery in fiscal year 2007/08. The PGT is submitting proposals to revise its financial model to achieve these values, address structural barriers to effective use of the special account and to rationalize its fees and commissions.

The objective of these proposals is to facilitate fully realizing the Province's Great Goal Number Three and building "the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors" who comprise almost all PGT clients.

The following chart identifies the current PGT financial model.

Financing Formula for 2007/08 (delegated)

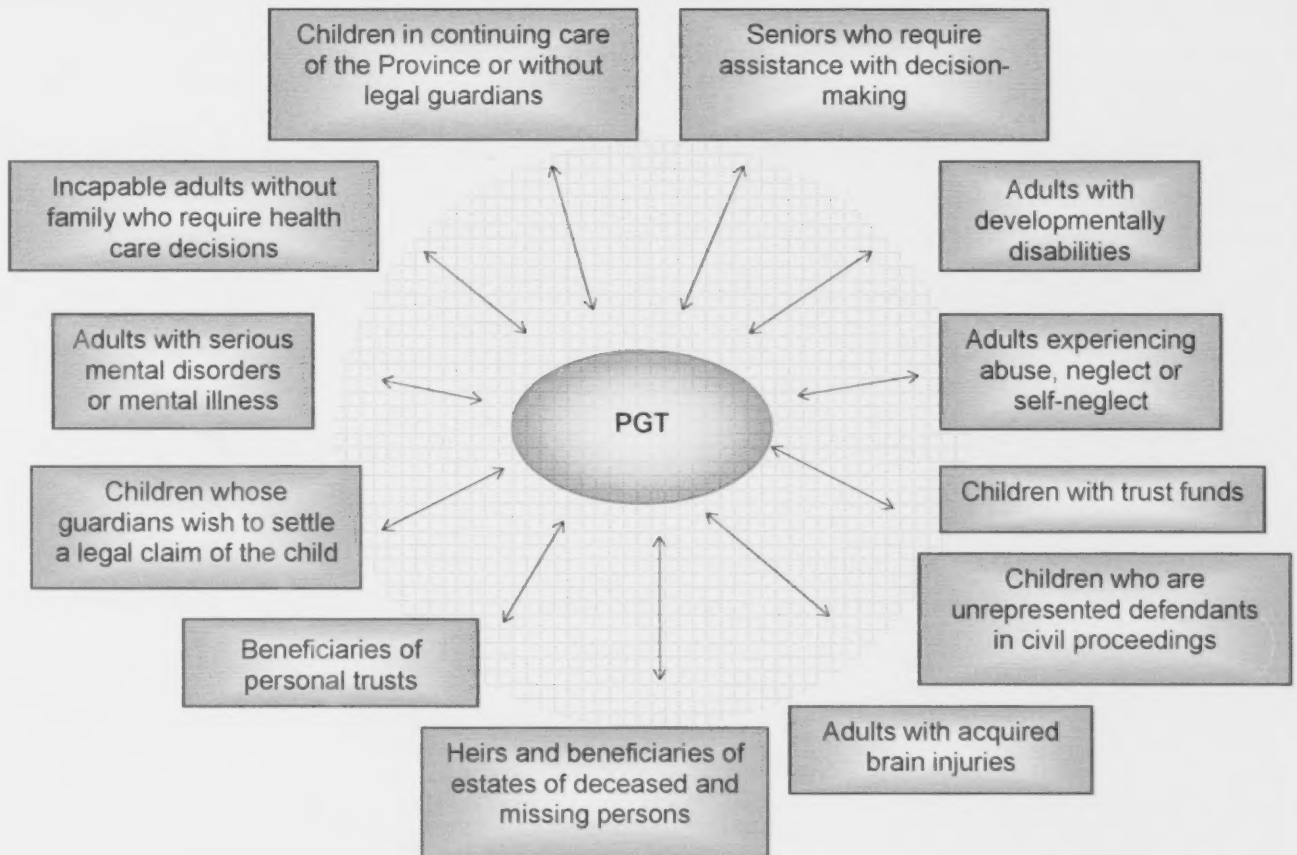


The fees and commissions to be charged by the PGT in fiscal 2008/09 are based on the following percentages:

- **Income Commission**
- 5% of income received
- **Capital Commission**
- 5% of the value of assets/cash
- 7% for deceased estate administration (subject to a minimum commission of (\$3,500))
- **Asset Management Fee**
- 0.4 of 1% per annum on the gross value of all assets, computed monthly. This is charged on those assets for which a value can be reliably determined, e.g., cash, bonds, term deposits, debentures, real properties, segregated investment accounts, equities, investment fund units, and RRSPs.

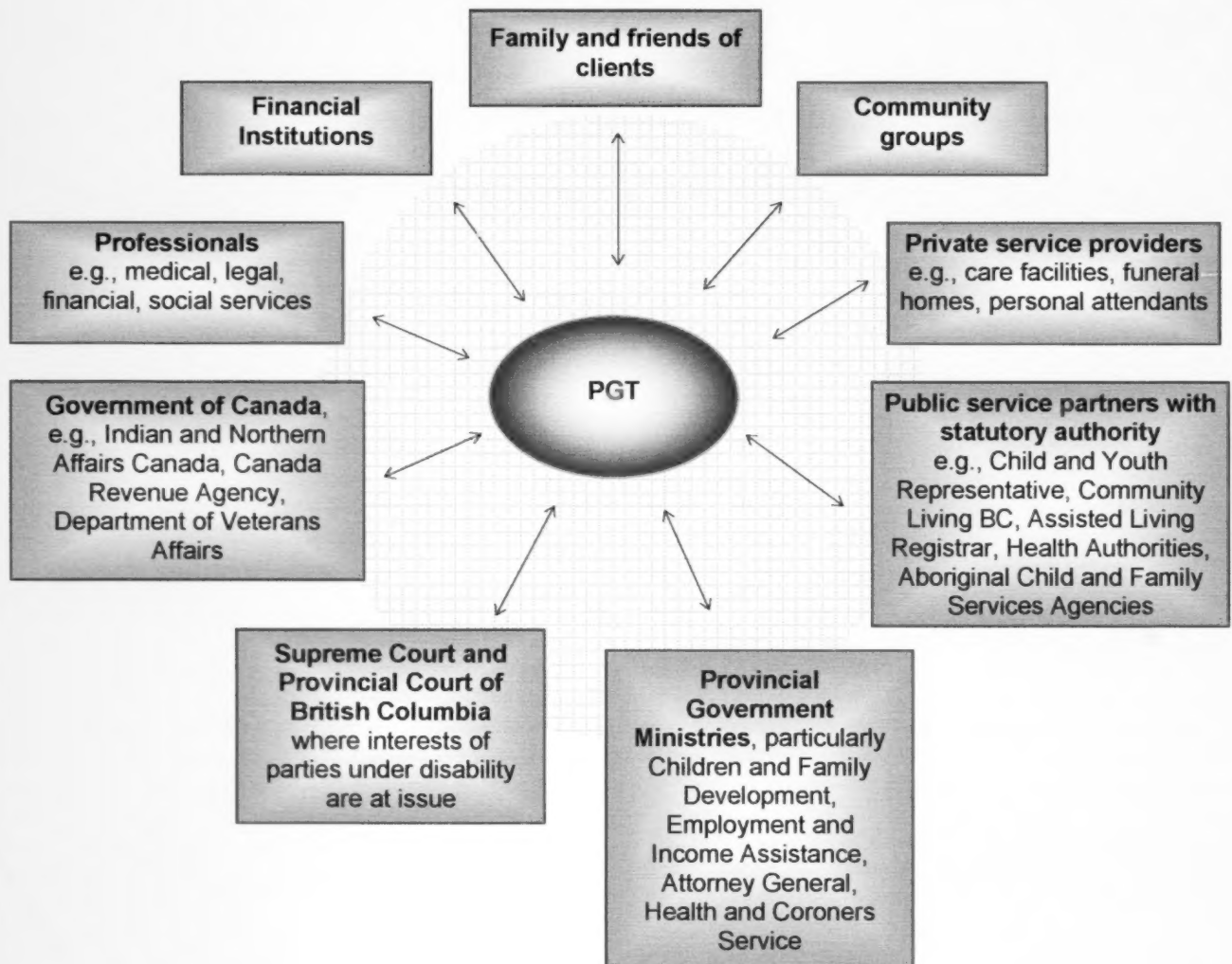
In addition, the PGT charges certain hourly and fixed cost service fees. All PGT fees and commissions are established by the Lieutenant Governor-in-Council and are set out in the *Public Guardian and Trustee Fees Regulation* (B.C. Reg. 312/2000, as amended). Third party charges for client-related services are charged directly to clients.

E. PGT Primary Client Groups



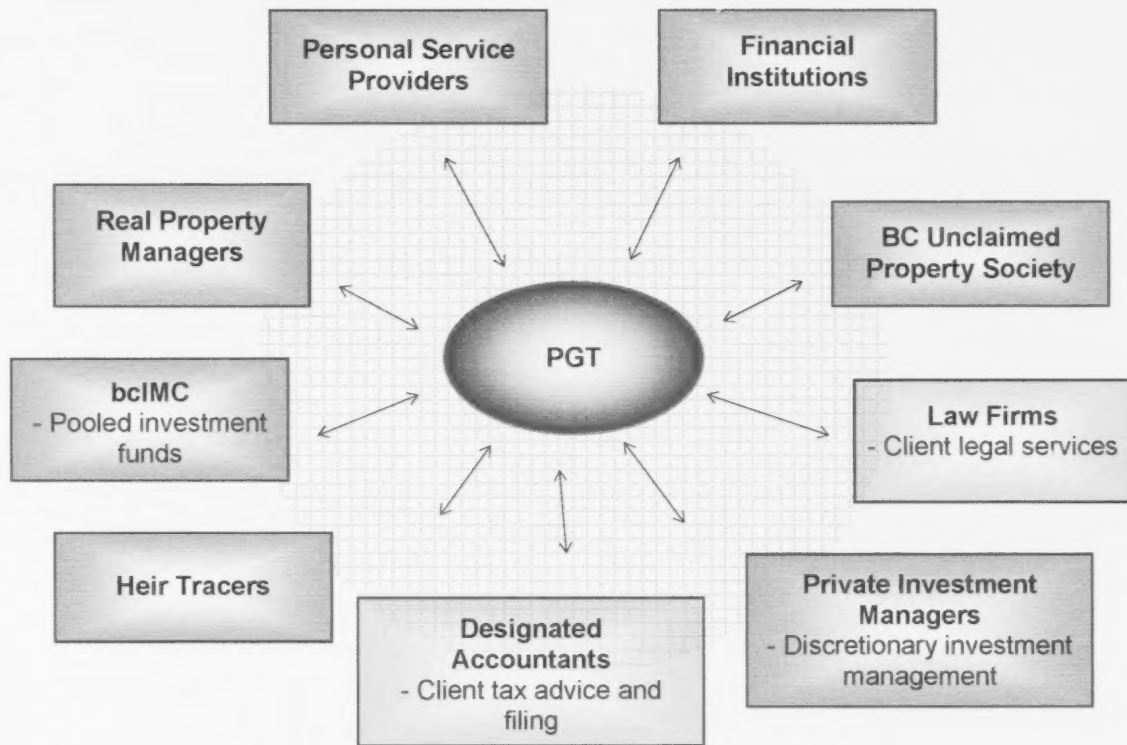
Almost all PGT clients are identified in Great Goal Number Three.

F. Key PGT External Relationships



Clients are at the core of all PGT activity. PGT liaises with and/or works in partnership with a broad range of individuals and organizations in helping clients meet their needs.

G. Private Sector Relationships



PGT works with a wide range of private sector service providers in meeting its responsibilities for protecting client personal, legal and financial interests.

II. PRIMARY LINES OF BUSINESS

The Public Guardian and Trustee (PGT) is responsible for making or overseeing substitute decision-making on behalf of British Columbians who require assistance and/or protection because of legal disability. People become PGT clients through legislation, court order, trust deed or referral and some choose the PGT as their service provider for personal trusts or estate administration. In order to carry out its duties and responsibilities, PGT daily operations are centered around the following primary lines of business.

A. Monitoring conduct of others to advance and protect people under legal disability

The PGT screens, investigates, monitors, takes protective measures and otherwise intervenes on behalf of people under legal disability or who may be at risk because of abuse, neglect or self-neglect. The PGT acts to ensure that the legal and property interests of clients are protected. To accomplish this, the PGT reviews various types of applications in legal proceedings, investigates allegations, reviews accounts of Private Committees and appoints Designated Authorities to investigate and respond to possible abuse, neglect or self-neglect. Activities may include seeking incapacity assessments, providing comments to the Supreme Court of British Columbia, reviewing proposed litigation settlements, advancing litigation on behalf of clients, freezing accounts, removing authority from third parties and taking legal action.

B. Administering property of clients

A major PGT focus is on meeting its fiduciary obligations to protect and administer property on behalf of clients. The PGT ensures that client needs are met, client property is protected, clients are enabled to access services and client wishes are met to the extent possible. To accomplish this, the PGT secures, manages and disposes of assets. This may include physically securing property, determining and collecting income, paying bills, administering personal trusts, investing as a prudent investor, distributing trust accounts and making disbursements for the benefit of the client. In planning and implementing these activities, the PGT seeks to understand the client context and exercises professional discretion in making quality decisions.

C. Administering estates of deceased and missing persons

The PGT may act as executor or administrator of the estates of deceased persons. As Official Administrator of BC, the PGT administers estates of persons who die without a will and have no family willing to administer their estate. The PGT also acts as Curator of the estates of missing persons. These activities are intended to ensure efficient, orderly intergenerational wealth transfer, reduced litigation and increased certainty for property obligations upon death. To accomplish this, the PGT arranges funerals, traces heirs, submits tax returns and distributes estates. This may include applying for legal authority, collecting and paying debts, documenting heirs and liquidating and distributing assets.

D. Making personal and health care decisions

The PGT makes or appoints other substitute decision-makers to make health care decisions on behalf of persons who are unable to provide consent to treatment and who are without a supportive network. The PGT may also seek to be appointed by the court to make other personal care decisions on behalf of incapable adults. This is intended to ensure that client health and safety are protected, client well-being is promoted and client wishes are respected. To accomplish this, the PGT arranges client access to services and shelter and participates in client decision-making. This may include reviewing client needs, wishes, values, interests and

developing individualized care plans. In carrying out these responsibilities, the PGT makes decisions based on client needs, wishes, values and interests where possible.

E. Education and awareness

The PGT recognizes the importance of providing public information and education to manage the growth in demand for PGT services, facilitate cooperation with service partners and stakeholders and to inform the public about related issues. This is intended to help professional groups to properly apply the law, assist service partners in understanding their responsibilities, encourage appropriate utilization of PGT services, deter financial abuse of incapable and vulnerable people and manage future demand for PGT services through increased personal planning for incapacity and death. To accomplish this, the PGT communicates with clients, service partners, key stakeholders and the public. This may include producing publications, making presentations, providing media releases, carrying out targeted mailings or creating websites. In carrying out public awareness activities, the PGT seeks to ensure that target groups are aware of their obligations and rights and become more aware of the PGT and its responsibilities. The PGT has very limited resources for these services and must balance speaking invitations and requests for materials with its capacity to respond. Stakeholder and staff consultations have identified education and awareness as a major issue that impacts their effectiveness.

F. Advocacy

The PGT advocates for improved laws, policy and regulations in its responsibility areas and supports clients in accessing services and exercising their rights. Such activities are intended to ensure that civil, personal and property interests of people under legal disability are protected. To accomplish this on a broader level, the PGT liaises with government and other key stakeholders and from time to time publishes discussion papers. This may include analyzing emerging issues and requesting and making recommendations regarding policy and legislation. In carrying out these responsibilities, the PGT seeks to achieve implementation of systemic preventative policy and practice, ensure that decision-makers are aware of the impact of legislative changes and ensure that laws and policies in BC take the interests of people under legal disability into account. At a client level, this includes considerable liaison with service providers and increasingly may include legal action to pursue rights and entitlements of clients.

III. STRATEGIC CONTEXT

A. Vision

Rights, choices and security for all British Columbians.

B. Mission

To safeguard and uphold the legal and financial interests of children; to manage the legal, financial and personal care interests of adults needing assistance in decision-making; and to administer the estates of deceased and missing persons.

C. Values

Six major values underpin PGT work, support achieving the Province's Five Great Goals and are reflected in all aspects of PGT performance:

- **Client-centred service**
Clients are at the centre of PGT services and PGT strives to ensure that services are individualized, equitable and accessible.
- **Respect**
The PGT is respectful in its relations with clients, their friends, families and service providers.
- **Innovation**
Staff members are encouraged to be innovative in designing support services that are the least restrictive and intrusive as possible. Court processes are used as a last resort.
- **Teamwork**
PGT staff work in teamwork with one another and with their service partners in striving for seamless service delivery.
- **Openness**
Annual public reporting on all aspects of PGT performance, as required by the *Public Guardian and Trustee Act*, ensures accountability and transparency to clients, government and the public.
- **Staff support**
Staff members are acknowledged to be the greatest resource of the PGT. Staff are recognized and appreciated for their expertise and professionalism as well as their teamwork and consultation skill. The PGT is committed to ongoing development and training of all its staff members.

IV. PLANNING CONTEXT AND KEY STRATEGIC ISSUES

A. How the PGT has changed

PGT duties and responsibilities and its client base have expanded and evolved in recent years to create a new mandate and organization. Prior to implementation of adult guardianship and response to key legal decisions, particularly those involving children, the PGT operated primarily as a fiduciary with largely financial responsibilities associated with direct client service.

While the PGT has retained and expanded its direct client service as fiduciary, its focus in this area is now balanced between financial activities and legal actions in support of clients. In addition, a broad range of related oversight and monitoring duties and responsibilities have been assigned by statute to the PGT, reflecting the growing awareness in British Columbia and elsewhere of the role of PGTs in supervising private formal and informal fiduciaries.

The PGT role as co-guardian for children in provincial care with responsibility for safeguarding their legal and financial interests is historic. In the past, however, the legal activity was frequently a passive role focused on preserving evidence related to abuse to be available to the child upon achieving majority for possible legal action. While this practice reflected that the impact of abuse is not immediately fully apparent, key decisions from the Supreme Court of Canada have reduced its effectiveness and the PGT must now evaluate potential abuse-related legal action sooner and may initiate a proceeding while the victim is still a minor. Satisfying these responsibilities requires that the PGT receive improved reporting such as critical incident reports from the Ministry of Child and Family Development (MCFD).

PGT services to other children associated with management of their trust funds is also under pressure as practice has evolved to reflect philosophical shifts. Case management has become more complex as there is now less emphasis on preserving the capital and more on appropriate disbursements on behalf of the child. Families of children with trust funds are seeking increased accounting to them by the PGT.

In the past, PGT adult clients were often long-term institutional residents with minimal financial or other requirements. Today, most clients live in community settings with the largest proportion being seniors affected by dementia and diseases of aging. Adult clients have extensive and complex financial linkages including businesses and properties that must be managed, bankruptcies, investments and assets throughout the world.

Increasingly, adult clients are seniors and have only a short-term relationship with the PGT. The use of new transactional substitute decision making regimes (such as acting as health care temporary substitute decision maker) rather than long term substitute adds to this trend.

The PGT role with respect to administration of deceased estates and personal trusts has also evolved significantly in recent years. As Official Administrator of BC, the PGT was previously obliged to administer all intestate estates and a legislative amendment has added discretion to refuse to administer very small estates where the cost would exceed the assets. This has allowed the PGT to establish a fully cost-recovered service and to better position itself as a service provider of choice in this area.

B. Assumptions

1. General

- Demographic changes will continue to increase demand for PGT services, particularly in the areas of services to seniors with dementia and diseases of aging and implications of serving a diverse and mobile population.
- Public, client and stakeholder expectations about the nature, quality and service delivery mode of PGT services will continue to rise and evolve and will present new accountability pressures.
- Challenges associated with providing service to PGT clients will continue to increase with growing complexity of the service environment associated with ongoing evolution of the nature and availability of community supports and further growth in the number of agencies with statutory authority.
- Pressure to provide legal services on behalf of clients will continue to grow, including both individual and class action litigation, and particularly with respect to child and youth clients.
- PGT responsibility areas, such as children in care, seniors and persons with disabilities, will continue to attract significant public attention.
- The long term transition from the PGT acting primarily as fiduciary to a role including significant investigatory and regulatory responsibilities will continue to accelerate.
- Pressures from needs associated with inequities and services to Aboriginal and First Nation clients will continue.
- Constraints associated with PGT infrastructure and capacity, including limits to information management capacity will continue to impair service delivery and increase risk until upgraded.
- Recruiting and maintaining qualified staff will continue to become more challenging.

2. Financial

- Projections assume financial profiles for clients and estates consistent with that of recent fiscal years.
- No allowance has been made for the financial impact of the future proposals to address the core funding model.
- Revenues have been calculated using historical patterns as a proxy for future trends. Because of the diversity and complexity of client investments, it is impossible to estimate a single return as a forecast of income commission and no attempt has been made to do so.

Capital commissions have been projected on the basis of recent patterns with reductions or increases applied where a specific circumstance might dictate the need to do so. This would include, for example, clients with large portfolios who are known to be exiting the PGT or any potential significant commissions that are known with certainty to occur. For the period 2008/09 through 2010/11 there were no such instances included in the projections.

Asset management fees have been projected on current asset holdings on a status quo basis.

STRATEGIC CONTEXT

- The PGT has increased FTEs by 10 in fiscal 2008/09 for the approved program level of 20 FTEs for the delivery of critical incident reporting response services. Yearly totals for the PGT overall are 234 FTEs – 2008/09 through 2010/11.
- Expenditure realignments have been made in staffing, professional services and other operating expenses in order to maintain status quo service delivery on base operations.
- Benefits have been included at 23.83% of salaries (including leave liability) throughout the period.
- Leave liability amounts have been calculated as 0.786% of salaries for 2008/09 through 2010/11.
- The incremental costs of the critical incident reporting response services including the 10 approved FTEs added under the transfer funding from MCFD have been included for fiscal 2008/09 in the amount of \$1.012M (\$0.040M – 2009/10) as well as a reallocation of \$0.080M to the Ministry for shared services in 2008/09 applicable to these same FTEs.
- Incremental increases of \$0.337M in 2008/09 (\$0.289M – 2009/10) over the base for 2007/08 set in February 2006 have been made arising from the impact of the negotiated settlements under the BCGEU Master and Component Agreements and compensation increases for excluded management.
- Changes arising from the renewal of the collective agreement between the Province and the BC Crown Counsel Association have been included. The continued agreement has a 12 year term commencing April 1, 2007 and expiring March 31, 2019. The incremental funding for increases is as follows: 2008/09 – 9.97% \$0.426M; 2009/10 – 3.77% \$0.118M and 2010/11 – 3.77% \$0.123M. The gross increment over the 3 year period is \$0.667M.
- Increases for Workplace Technology Services (WTS) have been redistributed to the PGT from Ministry Corporate Services in the amounts of \$0.075M in 2008/09 (\$0.072M in 2009/10 and 2010/11) for WTS Fixed Costs and \$0.071M in each of 2008/09 through 2010/11 for WTS Negotiated Contract Costs. For the most part these represent costs of voice network and office productivity services. In addition, a proportionate share of \$2,600 per FTE of the shared service multiplier of \$8,000 per FTE has been allocated to the 20 approved positions under the funding transfer from MCFD for the critical incident reporting response services.
- Voted funds are provided in accordance with amounts established through the Ministry of the Attorney General's 3-year Service Plan in the amount of \$10.546M for 2008/09 (\$10.990M – 2009/10 and \$11.113M – 2010/11).
- The PGT has been provided with notional contingencies from the Contingencies (All Ministries) and New Programs Vote. Because these amounts do not form part of the PGT's base budget delegation, they are not included within the financial schedules. Details of the access are as follows:
 - For Bill 29, the *Adult Guardianship and Planning Statutes Amendment Act 2007*, an amount of \$0.900M notional access has been provided in 2008/09 and 2009/10. The PGT has been instructed to return to Treasury Board in the fall of 2009 with further information to support a decision on funding for 2010/11 and beyond.

STRATEGIC CONTEXT

- For the *Health Care (Consent) and Care Facility (Admission) Act (HCCFAA)*, included in Bill 26, the *Health Statutes Amendment Act*, \$0.150M notional access has been provided in 2008/09 and 2009/10. The PGT has been instructed to return to Treasury Board in the fall of 2009 with further information to support a decision on funding for 2010/11 and beyond.

C. What the PGT has achieved in the past year

- Implemented response to increased critical incident reporting involving children in provincial care where the PGT acts as Guardian of Estate.
- Represented the interests of clients in numerous class actions, including those in which compensation was sought for historic abuse, such as the Indian Residential School class action and the Woodlands School class action.
- Facilitated activities designed to improve responses by Health Authorities, Community Living BC, police, financial institutions and First Nations to abuse, neglect and self-neglect of incapable persons.
- Achieved full cost recovery for administration of deceased estates and personal trusts.
- Participated in development of legislation to replace the outdated *Patients Property Act* and reviews of the *Family Relations Act* and of succession law.
- Conducted an extensive investigation and risk assessment in response to alleged criminal activity by a former employee.
- Rebalanced the asset mix for the equity portion of PGT pooled investment funds that include approximately \$500 million of client funds.
- Developed protocols and information sharing agreements with federal and provincial agencies including the Ministry of Child and Family Development and Indian Affairs and Northern Development.

D. What are key challenges for the PGT

In meeting its broad and diverse responsibilities spanning the legal, financial, health and social services sectors, the PGT must balance between requirements of broad statutes, policies and programs and service providers who continue to specialize and narrow eligibility criteria for their services.

The PGT is also positioned at the confluence of conflicting societal and legal trends. For example, the newly passed adult guardianship legislation supports maintaining maximum independence, individualized service and self sufficiency for individuals with the minimal constraints necessary for protection. This approach conflicts with an increasing public concern over elder abuse, the expectation that vulnerable clients will be protected and public bodies such as the PGT will be fully accountable.

Continued devolution of provincial responsibilities particularly by the Ministry of Child and Family Development, has resulted in significant growth in the number of agencies with statutory authority such as Community Living BC (CLBC) and Aboriginal Child and Family Services Agencies, each with their own corporate missions, values, organizational structures and philosophies. The resulting environment is highly complex and representing clients and meeting its other legal obligations requires extensive liaison with these new service partners. As the PGT has traditionally operated with minimal staff with high caseloads and limited corporate capacity, these new demands pressure its limited resources and present communication challenges.

The PGT mandate and responsibilities have evolved so significantly beyond its origins as a fiduciary with primarily financial responsibility for a largely institutionalized population that its

corporate infrastructure has been strained far beyond capacity and has become a major vulnerability that must be addressed.

Recent reports regarding quality of care in seniors' facilities has focused public attention. The PGT will increasingly be required to play a more active role with respect to seniors' care facilities and levels of care.

New adult guardianship legislation assigning extensive new duties and responsibilities to the PGT is anticipated to be implemented in 2008. This will require development of regulations, staffing and organizational development, intensive liaison with service partners and extensive public and professional consultation and education. Additional funding is required to meet these new obligations.

The PGT must move forward with proposals to rationalize its financial model, (see page 7).

The PGT must adjust its risk management practices to respond to recommendations of an extensive forensic audit while maintaining respectful cooperative relations with clients, families and service providers.

Effectively meeting its responsibilities will require the PGT to broaden and bolster its public education activities, including increased activity with service partners to ensure they understand their respective roles and responsibilities and are aware of their legal obligations and also heightened public information as part of a demand management strategy.

The need to facilitate response to seniors and other vulnerable persons will continue to be a major need. This will include an emphasis on financial abuse.

In its service to children in care, the PGT must develop increased reporting with respect to its activities on behalf of child and youth clients and also look to identifying outcomes for these clients. The PGT has legal responsibility to act as guardian of estate for children in continuing care of the province. However, continuing evolution of the provincial child protection service model has resulted in development of numerous alternatives to continuing care that now affect approximately the same number of children and youth as those in continuing care. Guardianship remains with the parents of these children who are in state funded care but not traditional continuing care. This presents a challenge to ensure their rights are protected.

Unmet needs associated with vulnerable capable adults and former children in care who achieved majority will continue to demand attention.

E. What strategies the PGT proposes to follow

New and revised PGT policies and procedures must be implemented to respond to recommendations of a forensic audit.

The PGT will continue to liaise with MCFD and related service partners to improve reporting to the PGT of critical incidents and other significant events involving children in continuing care, including clients in the youth criminal justice and youth mental health systems.

The PGT will develop and implement broad education and awareness programs that will educate service partners and general public concerning the role of the PGT as recommended by the Hughes Commission on child protection and the Baird Commission on Seniors.

STRATEGIC CONTEXT

The PGT will continue and expand its joint activities with related offices and in other jurisdictions to respond more effectively to shared issues. These include negotiations with the Canadian Banking Association and residential Schools Resolution Canada.

The service model for PGT adult clients must be reviewed in the face of the new and expanded duties associated with legislative and regulatory changes.

The PGT will further develop proposals to rationalize its financial models, including fees and commissions and the special account.

Redevelopment of PGT information management systems must continue to replace limited and vulnerable legacy systems.

The profile of PGT estate and personal trust services will be raised among private service providers to increase voluntary referrals.

The PGT will consider measures to facilitate recruitment and retention of appropriate staff to enable it to continue to meet its legal obligations.

V. STRATEGIC GOALS, OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES

A. Goals

The five goals set out in this plan were adopted on an organization-wide basis in 2002/03, were revised in 2006 and are entirely consistent with the Province's five Great Goals. These five PGT goals are:

1. Property and financial interest of PGT clients will be well managed.
2. Personal interests of PGT clients will be protected.
3. Statutory protective and monitoring services will be delivered in an appropriate, timely and fair manner.
4. The PGT will contribute to public awareness, policy development and law reform initiatives affecting its responsibility areas.
5. The PGT will deliver high quality client-centred services.

B. Objectives

The objectives set out in the service delivery plan are linked to these goals with some specific to particular program areas and others applying to the organization as a whole. Many of the objectives are related to timeliness of service delivery, reflecting legal and financial implications of timeliness.

The PGT is considering transitioning to more outcome-based performance measures over the next number of years. It is also making efforts to reduce the number of measures to better meet the BC Performance Reporting Principle of focusing on the "few, critical aspects of performance" while still satisfying PGT's specific statutory requirement of detailing performance targets and other measures for "each program area" (*Public Guardian and Trustee Act, s. 22(2)*).

C. Benchmarks

The PGT is a unique organization without private sector comparability and limited comparability to public bodies in British Columbia and other jurisdictions. Because of its responsibilities, mix of services and unique legal status, PGT access to generally accepted service standards is limited. While similar agencies in other provinces each have some responsibilities and services or elements of them in common, none have the same mix or authorities. The PGT has initiated discussions through the National Association of Public Trustees and Guardians to develop a limited range of measures or benchmarks for possible use at the national level.

The PGT currently uses external benchmarks in relation to investment returns earned by the pooled investment funds it has established on behalf of clients. The PGT has piloted estate administration service commitments that are based on private sector best practices. In other areas, the PGT is able to make comparisons to its own past performance using information reported in its previous annual reports.

D. Performance Measures

Goal # 1:
PROPERTY AND FINANCIAL INTERESTS OF PGT CLIENTS WILL BE WELL MANAGED.

Objectives:

- Disbursements from children's trusts will be made in a timely manner.
- Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner.
- Assets of clients' estates will be identified, secured and administered in a timely manner.
- Estate distributions will be made to heirs and beneficiaries.
- Client investments will be handled prudently.

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
1. Percentage of disbursements from children's trusts completed within 15 days of request by the guardian or client	97%	90%	90%	90%	90%
2. Percentage of critical incident reports in respect of children in continuing care reviewed and action initiated by PGT within 60 days of receipt	N/A	95%	95%	95%	95%
3. Decisions on whether to accept appointment as a statutory property guardian for adults are made and communicated within three working days of receipt of certificate of incapability	N/A	N/A	Develop policy and implement new law	80%	80%

STRATEGIC GOALS, OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
4. Percentage of personalized case plans, covering effects, legal issues and living arrangements that will be developed and implemented for new adult clients within 6 months of PGT appointment as Committee of Estate	77%	70%	70%	70%	70%
5. Percentage of client trust receipts processed within five business days	92%	90%	90%	90%	90%
6. Percentage of client disbursements processed within 15 business days	95%	95%	95%	95%	95%
7. Physical assets of new deceased estates secured within 15 days of notification of death	94% within 15 days; 99% within 25 days	75% within 15 days; 90% within 25 days	75%	75%	75%
8. Percentage of deceased estate funds distributed to heirs and beneficiaries rather than transferred to the BC Unclaimed Property Society	92%	75%	75%	75%	75%
9. Investment returns for all three pooled funds match or exceed established benchmarks	3 of the 3 funds met or exceeded their benchmarks at March 31, 2007	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks

STRATEGIC GOALS, OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
10. Percentage of investment plans subject to review (according to the assessed level of risk associated with the client investment portfolio) completed within the next year	97%	95%	95%	95%	95%

Goal # 2:**PERSONAL INTEREST OF PGT CLIENTS WILL BE PROTECTED.****Objectives:**

- The personal needs of children and youth clients will be protected.
- The personal interests and health care needs of adult clients will be addressed.

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
1. Personalized expenditure plans will be developed and implemented for children awarded in excess of \$50,000 for cost of care within six months of the PGT receiving funds and then annually reviewed	87%	95%	90%	90%	90%
2. Personalized expenditure plans will be developed and implemented for children and youth with assets in excess of \$50,000 where on-going assistance with day-to-day maintenance has been approved within 20 days of receiving all decision-making information and then annually reviewed	90%	95%	90%	90%	90%
3. Percentage of Committee of Person adult clients who are annually visited by PGT staff	96%	90%	95%	95%	95%
4. Percentage of major health care substitute decisions for adults made within 3 working days of all relevant information being received	99%	95%	95%	95%	95%

Goal # 3:
**STATUTORY PROTECTIVE AND MONITORING SERVICES WILL BE DELIVERED
 IN AN APPROPRIATE, TIMELY AND FAIR MANNER.**

Objectives:

- Settlement reviews of legal claims of children and youth will be carried out in a timely manner.
- The PGT will act to protect the assets of adults at risk for abuse, neglect and self-neglect.

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
1. Percentage of proposed minors' settlements \$5,000 and over that are reviewed and the parties advised of the PGT position within 60 days once all relevant information has been received	99%	90%	90%	90%	90%
2. For minors' settlements under \$5,000, the average number of days to review and advise of the PGT position regarding proposed settlements once all relevant information has been received	8.85 days	20 days	20 days	20 days	20 days
4. Percentage of stakeholders reporting satisfaction with the PGT process for making recommendations on unliquidated damage claims	99%	75%	75%	75%	75%
5. Develop a framework to assess the new statutory PGT screening and monitoring role with respect to Private Guardians for adults	N/A	N/A	Develop and implement	TBD	TBD

STRATEGIC GOALS, OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
6. Reviews of applications for transfer of statutory guardianship of adults are completed within 30 calendar days of receiving all required information	N/A	N/A	Develop policy and implement new law	80%	80%
7. Percentage of cases where, on confirming that the assets of an apparently abused or neglected adult unable to seek support and assistance are at significant risk and in need of immediate protection, protective steps are taken under s. 19 of the <i>Public Guardian and Trustee Act</i> within one working day	98%	90%	90%	90%	90%
9. Average age of Private Committee accounts that have been submitted for passing and are awaiting PGT decision	5.4 months	6 months	6 months	6 months	6 months

Goal # 4:

THE PGT WILL CONTRIBUTE TO PUBLIC AWARENESS, POLICY ISSUES AND LAW REFORM INITIATIVES TO PROMOTE THE INTERESTS OF CLIENTS.

Objectives:

- The PGT will make relevant, useful and affordable recommendations to government for law reform affecting clients.
- The PGT will promote an understanding of its role among clients, stakeholders and the public.

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
1. PGT role explained by PGT representatives at stakeholder conferences/events and other public education forums	110 presentations	50 presentations	50 presentations	50 presentations	50 presentations
2. Identify trends and systemic issues related to PGT's role on behalf of children in Provincial care	NA	Develop data collection and analysis	Issue public report regarding the PGT role on behalf of children in Provincial care	TBD	TBD

Goal #5:**THE PGT WILL DELIVER HIGH QUALITY CLIENT-CENTRED SERVICES TO CLIENTS.****Objectives:**

- The PGT will meet client expectations for quality, equitable and accessible services.
- Mission critical information technology systems and processes will support PGT business activities.

Performance Measures	Targets				
	06/07 Actual	07/08 Forecast	2008/09	2009/10	2010/11
1. Percentage of heirs and beneficiaries responding to survey who rated administration services for deceased estates as good or very good	95%	75%	80%	85%	90%
2. Develop case management and client financial management information system in phases	Implement- ation commenced by March 31, 2007	First level enhance- ments completed by March 31, 3008	Phase 2 case management business process improve - ments completed by March 31, 2009	Phase 3 case management business process improve- ments and investigation of replacement of trust accounting system completed by March 31, 2010	Strategy developed by March 31, 2011, to replace trust accounting system

VI. RELATIONSHIP TO PROVINCIAL GOVERNMENT STRATEGIC PLAN

PGT duties and responsibilities are in full alignment with goal three of the Province's Five Great Goals announced in 2005:

- *Build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors.*

PGT clients comprise persons with developmental disabilities, special needs including mental illness and persons living with acquired brain injury, children at risk and seniors, particularly those with dementia and diseases of aging. The PGT is committed to assisting clients to have the best quality of life they can and to act in accordance with client wishes where possible for adults. The PGT encourages maximum self-sufficiency and strives for minimal intervention consistent with the need for protection. When proclaimed, new adult guardianship legislation will facilitate acting in accordance with this philosophy. The PGT acts in the best interests of child and youth clients.

In planning and delivering services to existing clients, the PGT works cooperatively with both clients and their friends and families and a broad range of community groups and service providers. These include other organizations with statutory authority such as the Child and Youth Representative, Director of Child Protection, Registrar of Assisted Living, Community Living BC, Health Authorities and Aboriginal Child and Family Services Agencies.

SUMMARY FINACIAL OUTLOOK

II. SUMMARY FINANCIAL OUTLOOK

A. Operating Cost Projections for 2008/09 through 2010/11

Program	2008-2009			2009-2010			2010-2011		
	Operating Revenue	Operating Expenditure	Net	Operating Revenue	Operating Expenditure	Net	Operating Revenue	Operating Expenditure	Net
<i>All amounts are quoted in thousands of dollars</i>									
<i>Trust and Estate Services</i> ²									
Services to Adults	7,436	9,250	(1,814)	7,436	9,422	(1,986)	7,436	9,449	(2,013)
Estate and Personal Trust Services ⁴	2,869	3,456	(587)	2,969	3,546	(577)	2,969	3,562	(593)
Child and Youth Services	2,247	2,245	2	2,251	2,369	(118)	2,214	2,324	(110)
<i>Public Services</i> ³									
Services to Adults									
- Assessment & Investigation		871	(871)		907	(907)		908	(908)
- Committee of Person		219	(219)		223	(223)		223	(223)
- Private Committee Services	475	1,341	(866)	475	1,370	(895)	475	1,371	(896)
- Health Care Decisions		773	(773)		807	(807)		807	(807)
- Public Education and Community Development		406	(406)		414	(414)		415	(415)
Child and Youth Services									
- Guardian for Children in Care	163	3,240	(3,077)	163	3,243	(3,080)	163	3,270	(3,107)
- Infant Settlement Reviews & other legal	500	1,183	(683)	500	1,218	(718)	500	1,270	(770)
- Notices	252	600	(348)	252	613	(361)	252	619	(367)
Voted Funding			10,546			10,990			11,113
Revenue in excess of expenditure			904			904			904
Projected permanent FTEs			234			234			234

*Rounding differences may be present.
(continued on next page)*

1 Costs of central services that cannot be directly charged to a program area are allocated as follows:

- Executive Office including Planning, Community Liaison and Communications charged as an equal percentage to each area.
- Financial services including investment charged to program areas based on a percentage of transactions generated.
- Administration and Corporate Financial Services charged to program areas based on a percentage of staffing.

2 Trust and Estate Services include Client Services and Estate Liaison in Services to Adults; Estate and Personal Trust Services and Trust Services in Child and Youth.

3 Public Services include Adult Guardianship [Health Care Consent, Community Liaison, and response to Abuse and Neglect], Assessment and Investigation and Private Committee Services in Services to Adults and guardianship to children in care, infant settlements and other legal reviews in Child and Youth Services.

4 Estate and Personal Trust Services includes a declining backlog of non-fee generating accounts transferred from County Administrators.

B. Special Account Summary

	Public Accounts	Delegated Budget	Service Delivery Plan		
	2006- 2007	2007- 2008	2008- 2009	2009- 2010	2010 - 2011
Special Account equity beginning balance	\$15,470	\$17,893	\$18,797	\$19,701	\$20,605
Total self-generated and voted funding	18,869	20,114	21,903	22,347	22,470
Total Operating Expenditure (net)	16,446	19,210	20,999	21,443	21,566
Excess of revenue over expenditure	2,423	904	904	904	904
Capital expenditure	793	1,024	500	500	500
Adjustment for capitalization of assets	(793)	(1,024)	(500)	(500)	(500)
	0	0	0	0	0
Special Account Equity Ending Balance	\$17,893	\$18,797	\$19,701	\$20,605	\$21,509

VIII. CONTACT INFORMATION

Locations:

Vancouver Office

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Telephone: (604) 660-4444, Fax: (604) 660-0374

Vancouver Island Region

4th Floor – 1019 Wharf Street, PO Box 9251, Victoria, British Columbia, V8W 9J2
Telephone: (250) 356-8160, Fax: (250) 356-7442

Interior-North Region

1345 St. Paul Street, Kelowna, British Columbia, V1Y 2E2
Telephone: (250) 712-7576, Fax: (250) 712-7578

Toll-free calling is available by dialing Service BC and asking to be transferred to the Public Guardian and Trustee. From the Lower Mainland, call Service BC at (604) 660-2421, from the Victoria area call (250) 387-6121 and from anywhere outside of the Lower Mainland or Victoria areas, call the toll-free number at 1-800-663-7867

For further information:

Visit www.trustee.bc.ca or E-mail: mail@trustee.bc.ca